agent had left the motorcade at any time prior to the arrival at Parkland Hospital. This agent, Thomas "Lem" Johns, had been riding in Vice President Johnson's followup car. In an attempt to reach Johnson's limousine, he had left the car at the sound of shots and was momentarily on his own in Dealey Plaza, though he was picked up almost immediately and taken to Parkland Hospital.(*23*) In every instance, therefore, the committee was able to establish the movement and the activities of Secret Service agents. Except for Dallas Agent-in-Charge Sorrels, who helped police search the Texas School Book Depository, no agent was in the vicinity of the stockade fence or inside the book depository on the day of the assassination.(*24*)

Significantly, most of the witnesses who made identifications of Secret Service personnel stated that they had surmised that any plainclothed individual in the company of uniformed police officers must have been a Secret Service agent.(*25*) Because the Dallas Police Department had numerous plainclothes detectives on duty in the Dealey Plaza area,(*26*) the committee considered it possible that they were mistaken for Secret Service agents.

One witness who did not base his Secret Service agent identification merely upon observing a plainclothesman in the presence of uniformed police officers was Dallas police officer Joseph M. Smith. Smith, who had been riding as a motorcycle escort in the motorcade, ran up the grassy knoll immediately after the shooting occurred. He testified to the Warren Commission that at that time he encountered a man who stated that he was a Secret Service agent and offered supporting credentials. Smith indicated that he did not examine these credentials closely, and he then proceeded to search the area unsuccessfully for suspicious individuals.(*27*)

The committee made an effort to identify the person who talked to Patrolman Smith. FBI Special Agent James P. Hosty stated that Frank Ellsworth, then an agent for the Alcohol, Tobacco and Firearms Bureau of the Treasury Department, had indicated that he had been in the grassy knoll area and for some reason had identified himself to someone as a Secret Service agent.(*28*) The committee deposed Ellsworth, who denied Hosty's allegation.(*29*)

The committee did obtain evidence that military intelligence personnel may have identified themselves as Secret Service agents or that they might have been misidentified as such. Robert E. Jones, a retired Army lieutenant colonel who in 1963 was commanding officer of the military intelligence region that encompassed Texas, told the committee that from 8 to 12 military intelligence personnel in plainclothes were assigned to Dallas to provide supplemental security for the President's visit. He indicated that these agents had identification credentials and, if questioned, would most likely have stated that they were on detail to the Secret Service.(*30*)

The committee sought to identify these agents so that they could be questioned. The Department of Defense, however, reported that a search of its files showed "no records * * * indicating any Department of Defense Protective Services in Dallas."(*31*) The committee was unable to resolve the contradiction.

(4) *Conclusion.*—Based on its entire investigation, the committee found no evidence of Secret Service complicity in the assassination.

(*b*) *The Federal Bureau of Investigation*

In the weeks that followed the assassination, it was alleged in several newspaper articles that Lee Harvey Oswald had been an FBI informant. Consequently, the Warren Commission expended considerable effort addressing the question. Testimony was taken from FBI Director J. Edgar Hoover, Assistant to the Director Alan H. Belmont, and FBI Special Agents John W. Fain, John L. Quigley and James P. Hosty, Jr.(*1*) "All declared, in substance, that Oswald was not an informant or agent of the FBI, and that he did not act in any other capacity for the FBI, and that no attempt was made to recruit him in any capacity." In addition, "Director Hoover and each Bureau agent, who according to the FBI would have been responsible for or aware of any attempt to recruit Oswald * * * provided the Commission with sworn affidavits to this effect."[1] This testimony was corroborated by the Warren Commission's independent review of FBI files.(*3*)

Nevertheless, the allegation that Oswald was associated in some capacity with the FBI persisted.(*4*) There are three main reasons for this that may be traced to actions by the Bureau.

First, Oswald's address book contained the name, address, telephone number and automobile license plate number of Special Agent James P. Hosty. That entry has been a source of controversy, especially since this information was not contained in an FBI report to the Warren Commission in December 1963, one that purportedly contained the contents of the address book.

Second, based on FBI contacts with Oswald in Fort Worth in 1962 and New Orleans and Dallas in 1963, rumors that he was an informant for the Bureau continued to circulate.

Third, shortly after the assassination, Dallas FBI agent Hosty destroyed a note that had been delivered to his office allegedly by Oswald shortly before the assassination. When that conduct was finally made public in 1975 it aroused great suspicions, especially since it had not been previously revealed, even to the Warren Commission.(*5*)

The committee attempted to investigate each of the alleged links between Oswald and the FBI. It conducted extensive file reviews, interviews, depositions, and hearings. Testimony was taken from present and former FBI officials and employees as well as from private citizens claiming to have relevant information. On occasion, formal explanations were sought directly from the FBI. Even though the testimony of two special agents of the FBI appeared to be seriously lacking credibility on two of the major issues (the destruction of the Oswald note and the omission of Hosty's name from a report purporting to contain a list of the entries in Oswald's notebook), the results of the committee's investigation were consistent with the conclusions reached by the Warren Commission. The committee found no credible evidence that Oswald was an FBI informant.

(1) *Early rumors that Oswald was an informant.*—Shortly after the assassination of President Kennedy, rumors that Oswald had been an

[1] Nine of the 10 affidavits executed by FBI agents denying that Oswald had been an informant were revised before the FBI submitted them to the Warren Commission. It had been alleged that these affidavits may have been materially altered. The committee found that none of the affidavits had been materially altered before delivery to the Warren Commission. The essential difference between the preliminary drafts and the final affidavits was that the drafts were witnessed by fellow FBI agents, whereas the final affidavits were witnessed by notaries public. In a few instances, minor changes of words or phrases were made, although none affected substance.(*2*)

It has been stated that Oswald claimed to have served in Taiwan.(*183*) The committee's review of his military records, including unit diaries that were not previously studied by the Warren Commission, indicated, however, that he had not spent substantial time, if any, in Taiwan. These records show that, except for a 3½ month period of service in the Philippines, Oswald served in Japan from September 12, 1957, until November 2, 1958.(*184*) Although Department of Defense records do indicate that MAG (Marine Air Group) 11, Oswald's unit, was deployed to Taiwan on September 16, 1958, and remained in that area until April 1959, an examination of the MAG 11 unit diaries indicated that Oswald was assigned at that time to a rear echelon unit.(*185*) The term rear echelon does not, on its face, preclude service with the main unit in Taiwan, but the Department of Defense has specifically stated that "Oswald did not sail from Yokosuka, Japan on September 16, 1958. He remained aboard NAS Atsugi as part of the MAG–11 rear echelon." [29](*186*)

Oswald's records also reflect that on October 6, 1958, he was transferred within MAG 11 to a Headquarters and Maintenance Squadron subunit in Atsugi, Japan.(*187*) He reportedly spent the next week in the Atsugi Station Hospital.(*188*) On November 2, 1958, Oswald left Japan for duty in the United States.(*189*)

Accordingly, based upon a direct examination of Oswald's unit diaries, as well as his own military records, it does not appear that he had spent any time in Taiwan. This finding is contrary to that of the Warren Commission that Oswald arrived with his unit in Taiwan on September 30, 1958, and remained there somewhat less than a week,(*190*) but the Commission's analysis apparently was made without access to the unit diaries of MAG 11.[30]

Moreover, even if Oswald, in fact, did make the trip with his unit to Taiwan, it is clear that any such service there was not for a substantial time. The unit arrived at Atsugi on September 30, 1958, and by November 2, 1958, Oswald had left from Japan to complete his tour of duty in the United States.(*192*)

Finally, with one exception, the circumstances surrounding Oswald's rapid discharge from the military do not appear to have been unusual. Oswald was obligated to serve on active duty until December 7, 1959, but on August 17 he applied for a hardship discharge to support his mother. About 2 weeks later the application was approved.(*193*) [31]

It appeared that Oswald's hardship discharge application was processed so expeditiously because it was accompanied by all of the necessary documentation. In response to a committee inquiry, the Department of Defense stated that "... to a large extent, the time involved in processing hardship discharge applications depended on how well the individual member had prepared the documentation needed for

[29] This is contrary to statements attributed to Lieutenant Charles R. Rhodes by Edward J. Epstein in his book, "The Secret World of Lee Harvey Oswald." Rhodes maintains, according to Epstein, that Oswald did make the trip with the main unit but was sent back to Japan on October 6, 1958.

[30] Similarly, a message sent on November 4, 1959, from the Chief of Naval Operations concerning Oswald, which states that he had "served with Marine Air Control Squadrons in Japan and Taiwan." (*191*) may have been issued without checking unit diaries which indicated that Oswald had not been so deployed.

[31] By September 4, 1959, Oswald had been informed that he would be discharged on September 11, 1959.(*194*) This explains why he was able to tell passport officials on that day that he expected to depart the United States for Europe on September 21, 1959.

consideration of his or her case."(*195*) A review of Oswald's case indicates that his initial hardship discharge application was accompanied by all of the requisite documentation. Oswald had met the preliminary requirements of having made a voluntary contribution to the hardship dependent (his mother) and of applying for a dependent's quarters allotment [32] to alleviate the hardship.(*196*) Even though all of the supporting affidavits for the quarters allotment had not been submitted at the time that the hardship discharge application was filed, the endorsements on the application indicated that the reviewing officers were aware that both the requisite voluntary contribution and the application for a quarters allotment had been made.(*197*) Moreover, that application was accompanied by two letters and two affidavits attesting to Marguerite Oswald's inability to support herself.(*198*)

Documents provided to the committee by the American Red Cross indicate that Oswald had sought its assistance and therefore was probably well advised on the requisite documentation to support his claim.(*199*) Indeed, Red Cross officials interviewed Marguerite Oswald and concluded that she "could not be considered employable from an emotional standpoint."(*200*) The Fort Worth Red Cross office indicated a quarters allotment was necessary for Marguerite Oswald, rather than a hardship discharge for Lee, and assisted her in the preparation of the necessary application documents.(*201*) Nevertheless, Oswald informed the Red Cross office in El Toro, Calif., where he was then stationed, that he desired to apply for a hardship discharge.(*202*)

The unusual aspect of Oswald's discharge application was that, technically, his requisite application for a quarters allowance for his mother should have been disallowed because Marguerite's dependency affidavit stated that Oswald had not contributed any money to her during the preceding year.(*203*) Even so, the first officer to review Oswald's application noted in his endorsement, dated August 19, 1959, that "[a] genuine hardship exists in this case, and in my opinion approval of the 'Q' [quarters] allotment will not sufficiently alleviate this situation."(*204*) This quotation suggests the possibility that applications for quarters allotments and hardship discharges are considered independently of one another. In addition, six other officers endorsed Oswald's application.(*205*) The committee was able to contact three of the seven endorsing officers (one had died); two had no memory of the event,(*206*) and one could not recall any details.(*207*) The committee considered their absence of memory to be indicative of the Oswald case having been handled in a routine manner.

Based on this evidence, the committee was not able to discern any unusual discrepancies or features in Oswald's military record.

(*17*) *Oswald's military intelligence file.*—On November 22, 1963, soon after the assassination, Lieutenant Colonel Robert E. Jones, operations officer of the U.S. Army's 112th Military Intelligence Group (MIG), Fort Sam Houston, San Antonio, Tex., contacted the FBI offices in San Antonio and Dallas and gave those offices detailed information concerning Oswald and A. J. Hidell, Oswald's alleged alias.(*208*) This information suggested the existence of a military intelli-

[32] A dependent's quarters allotment is one that is jointly paid to the dependent by the serviceman and the service.

gence file on Oswald and raised the possibility that he had intelligence associations of some kind.(*209*)

The committee's investigation revealed that military intelligence officials had opened a file on Oswald because he was perceived as a possible counterintelligence threat. Robert E. Jones testified before the committee that in June 1963 he had been serving as operations officer of the 112th Military Intelligence Group at Fort Sam Houston, Tex.[33] Under the group's control were seven regions encompassing five States: Texas, Louisiana, Arkansas, New Mexico and Oklahoma. Jones was directly responsible for counterintelligence operations, background investigations, domestic intelligence and any special operations in this five-State area.(*210*) He believed that Oswald first came to his attention in mid-1963 through information provided to the 112th MIG by the New Orleans Police Department to the effect that Oswald had been arrested there in connection with Fair Play for Cuba Committee activities.(*211*) As a result of this information, the 112th Military Intelligence Group took an interest in Oswald as a possible counterintelligence threat.(*212*) It collected information from local agencies and the military central records facility, and opened a file under the names Lee Harvey Oswald and A. J. Hidell.(*213*) Placed in this file were documents and newspaper articles on such topics as Oswald's defection to the Soviet Union, his travels there, his marriage to a Russian national, his return to the United States, and his pro-Cuba activities in New Orleans.(*214*)

Jones related that on November 22, 1963, while in his quarters at Fort Sam Houston, he heard about the assassination of President Kennedy.(*215*) Returning immediately to his office, he contacted MIG personnel in Dallas and instructed them to intensify their liaisons with Federal, State and local agencies and to report back any information obtained. Early that afternoon, he received a telephone call from Dallas advising that an A. J. Hidell had been arrested or had come to the attention of law enforcement authorities. Jones checked the MIG indexes, which indicated that there was a file on Lee Harvey Oswald, also known by the name A. J. Hidell.(*216*) Pulling the file, he telephoned the local FBI office in San Antonio to notify the FBI that he had some information.(*217*) He soon was in telephone contact with the Dallas FBI office, to which he summarized the documents in the file. He believed that one person with whom he spoke was FBI Special-Agent-in-Charge J. Gordon Shanklin. He may have talked with the Dallas FBI office more than one time that day.(*218*)

Jones testified that his last activity with regard to the Kennedy assassination was to write an "after action" report that summarized the actions he had taken, the people he had notified and the times of notification.(*219*) In addition, Jones believed that this "after action" report included information obtained from reports filed by the 8 to 12 military intelligence agents who performed liaison functions with the Secret Service in Dallas on the day of the assassination.(*220*) This "after action" report was then maintained in the Oswald file.(*221*) Jones did not contact, nor was he contacted by, any other law enforcement or intelligence agencies concerning information that he could provide on Oswald.(*222*) To Jones' knowledge, neither the FBI nor any law enforcement agency ever requested a copy of the military intelligence file on Oswald.(*223*) To his surprise, neither the FBI, Secret Service, CIA nor Warren Commission ever interviewed him.(*224*) No one ever directed him to withhold any information; on the other hand, he never came forward and offered anyone further information relevant to the assassination investigation because he "felt that the information that [he] had provided was sufficient and . . . a matter of record. . . ."(*225*)

[33] Questions had been raised about the contents of some FBI communications on November 22, 1963, that reflected information allegedly provided by military intelligence. In his testimony, Jones clarified several points and corrected several errors in these communications.

The committee found Jones' testimony to be credible. His statements concerning the contents of the Oswald file were consistent with FBI communications that were generated as a result of the information that he initially provided. Access to Oswald's military intelligence file, which the Department of Defense never gave to the Warren Commission, was not possible because the Department of Defense had destroyed the file as part of a general program aimed at eliminating all of its files pertaining to nonmilitary personnel. In response to a committee inquiry, the Department of Defense gave the following explanation for the file's destruction:

> 1. Dossier AB 652876, Oswald, Lee Harvey, was identified for deletion from IRR (Intelligence Records and Reports) holdings on Julian date 73060 (1 March 1973) as stamped on the microfilmed dossier cover. It is not possible to determine the actual date when physical destruction was accomplished, but is credibly surmised that the destruction was accomplished within a period not greater than 60 days following the identification for deletion. Evidence such as the type of deletion record available, the individual clerk involved in the identification, and the projects in progress at the time of deletion, all indicate the dossier deletion resulted from the implementation of a Department of the Army, Adjutant General letter dated 1 June 1971, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense (DOD) (Incl 1). Basically, the letter called for the elimination of files on non-DOD affiliated persons and organizations.
>
> 2. It is not possible to determine who accomplished the actual physical destruction of the dossier. The individual identifying the dossier for deletion can be determined from the clerk number appearing on the available deletion record. The number indicates that Lyndall E. Harp was the identifying clerk. Harp was an employee of the IRR from 1969 until late 1973, at which time she transferred to the Defense Investigative Service, Fort Holabird, Md., where she is still a civil service employee. The individual ordering the destruction or deletion cannot be determined. However, available evidence indicates that the dossier was identified for deletion under a set of criteria applied by IRR clerks to all files. The basis for these criteria were [sic] established in the 1 June 1971 letter. There is no indication that the dossier was specifically identified for review or deletion. All evidence shows that the file was

reviewed as part of a generally applied program to eliminate any dossier concerning persons not affiliated with DOD.

3. The exact material contained in the dossier cannot be determined at this time. However, discussions with all available persons who recall seeing the dossier reveal that it most probably included: newspaper clippings relating to pro-Cuban activities of Oswald, several Federal Bureau of Investigation reports, and possibly some Army counterintelligence reports. None of the persons indicated that they remember any significant information in the dossier. It should be noted here that the Army was not asked to investigate the assassination. Consequently, any Army-derived information was turned over to the appropriate civil authority.

4. At the time of the destruction of the Oswald dossier, IRR was operating under the records disposal authority contained in the DOD Memorandum to Secretaries of the Military Departments, OASD(A), 9 February 1972, subject: Records Disposal Authority (Incl 2). The memorandum forwards National Archivist disposal criteria which is similar in nature to the requirements outlined in the 1 June 1971 instructions. It was not until 1975 that the Archivist changed the criteria to ensure non-destruction of investigative records that may be of historical value. (*226*)

Upon receipt of this information, the committee orally requested the destruction order relating to the file on Oswald. In a letter dated September 13, 1978, the General Counsel of the Department of the Army replied that no such order existed:

> Army regulations do not require any type of specific order before intelligence files can be destroyed, and none was prepared in connection with the destruction of the Oswald file. As a rule, investigative information on persons not directly affiliated with the Defense Department can be retained in Army files only for short periods of time and in carefully regulated circumstances. The Oswald file was destroyed routinely in accordance with normal files management procedures, as are thousands of intelligence files annually. (*227*)

The committee found this "routine" destruction of the Oswald file extremely troublesome, especially when viewed in light of the Department of Defense's failure to make this file available to the Warren Commission. Despite the credibility of Jones' testimony, without access to this file, the question of Oswald's possible affiliation with military intelligence could not be fully resolved.

(18) *The Oswald photograph in Office of Naval Intelligence files.*—The Office of Naval Intelligence's (ONI) Oswald file contained a photograph of Oswald, taken at the approximate time of his Marine Corps induction. It was contained in an envelope that had on it the language "REC'D 14 November 1963" and "CIA 77978." (*228*) These markings raised the possibility that Oswald had been in some way associated with the CIA.

In response to a committee inquiry, the Department of Defense stated that the photograph had been obtained by ONI as a result of an October 4, 1963 CIA request for two copies of the most recent photographs of Oswald so that an attempt could be made to verify his reported presence in Mexico City. The requested copies, however, were not made available to the CIA until after the President's assassination.[34] Because of the absence of documentation, no explanation could be given for how or when the Office of Naval Intelligence received this particular photograph of Oswald. (*229*)

The committee's review of CIA cable traffic confirmed that cable No. 77978, dated October 24, 1963, was in fact a request for two copies of the Department of the Navy's most recent photograph of Lee Henry [sic] Oswald. Moreover, review of other cable traffic corroborated the Agency's desire to determine whether Lee Harvey Oswald had, in fact, been in Mexico City. (*230*)

The committee concluded, therefore, that the ONI photograph of Oswald bearing a reference to the CIA, was not evidence that Oswald was a CIA agent. Again, however, the destruction of the military file on Oswald prevented the committee from resolving the question of Oswald's possible affiliation with military intelligence.

(19) *Oswald in Mexico City.*—The committee also considered whether Oswald's activities in Mexico City in the fall of 1963 were indicative of a relationship between him and the CIA. This aspect of the committee's investigation involved a complete review both of alleged Oswald associates and of various CIA operations outside of the United States. (*231*)

The committee found no evidence of any relationship between Oswald and the CIA. Moreover, the Agency's investigative efforts prior to the assassination regarding Oswald's presence in Mexico City served to confirm the absence of any relationship with him. Specifically, when apprised of his possible presence in Mexico City, the Agency both initiated internal inquiries concerning his background and, once informed of his Soviet experience, notified other potentially interested Federal agencies of his possible contact with the Soviet Embassy in Mexico City. (*232*)

Conclusion

Based on the committee's entire investigation, it concluded that the Secret Service, FBI, and CIA were not involved in the assassination. The committee concluded that it is probable that the President was assassinated as a result of a conspiracy. Nothing in the committee's investigation pointed to official involvement in that conspiracy. While the committee frankly acknowledged that its investigation was not able to identify the members of the conspiracy besides Oswald, or the extent of the conspiracy, the committee believed that it did not include the Secret Service, Federal Bureau of Investigation, or Central Intelligence Agency.

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[34] As noted, the military file on Oswald, presumably including the ONI photograph, was destroyed by the Department of Defense.